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Inquiry Concerning a Judge: David M. Gooding

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MARSHAL: PLEA SE R ISE . ALL WHO HAVE CAUSE TO PLE A, DRAW NEAR, GIVE ATTENTIO N AND YOU SHALL BE HEARD. GOD SAVE THESE UNITED STAT ES , THE GREAT STATE OF FLORIDA AND THIS HONORABLE COURT. LADIES AND GENTLEMEN, THE FLORIDA SUPREME COURT.PLEASE BE SEATED.

CHIEF JUSTICE: GOOD MORNING , LADIES AND GENTLEMEN, AND WELCOME TO THE FLORIDA SUPREME COURT. THE FIRST MATTER ON THIS MORNING'S DOCK IS THE INQUIRY CONCERNING A JUDGE. JUDGE DAVID GOODING . JUDGE GOODING, WOULD YOU PLEASE APPROACH THE PODIUM. JUDGE GOODING, FLORIDA'S CONSTITUTION ENTRUSTS THIS COURT WITH THE DUTY TO DISCIPLINE THOSE MEMBERS OF OUR JUDICIARY, WHO HAVE FAILED TO UP HOLD THE HIGHEST ETHICAL STANDARDS REQUIRED OF THEM . THIS DAY, AS I HAVE SAID , OFTENTIMES IS VITALLY NECESSARY TO MAINTAIN PUBLIC TRUST AND CONFIDENCE IN OUR JUSTICE SYSTEM. JUDGE GOODING, YOU ARE HERE BEFORE THE COURT THIS MORNING , TO BE REPRIMANDED FOR ETHICAL MISCONDUCT RELATED TO YOUR 2002 ELECTION COMPETITION FOR JUDICIAL OFFICE. THESE CHARGES ARRISE FROM YOUR HANDLING OF YOUR CAMPAIGN FINANCES AND CAMPAIGN ACCOUNT DURING YOUR SUCCESSFUL CAMPAIGN FOR THE CIRCUIT COURT JUDGESHIP THAT YOU NOW HOLD . THE JUDICIAL QUALIFICATION COMMISSION HAS CHARGED AND YOU ADMITTED THAT , ONE , DURING THE CAMPAIGN, YOU INCURRED CAMPAIGN EXPENSES AT A TIME WHEN YOUR CAMPAIGN ACCOUNT DID NOT HAVE SUFFICIENT FUNDS TO COVER THOSE EXPENSES , AND, TWO , THAT AFTER THE CAMPAIGN , YOU LOANED TO YOUR CAMPAIGN , SUBSTANTIAL SUMS AND DEPOSITED SUCH FUNDS IN YOUR CAMPAIGN ACCOUNT AFTER THE DEADLINE FOR DEPOSITING MONEY INTO THE ACCOUNT. YOU STIPULATED AND THE COURT FOUND, THAT YOUR ACTIONS VIOLATED TWO SECTIONS OF THE FLORIDA ELECTION CODE , 106.08 AND 106.11 , AND THREE SEPARATE CANONS OF CODE OF JUDICIAL CONDUCT , INCLUDING CANON 7 , WHICH GOVERNS JUDICIAL ELECTIONS . SECTION 106.08-3 , PROHIBITS A CANDIDATE FROM ACCEPTING AND USING CONTRIBUTIONS RECEIVED LESS THAN FIVE DAYS PRIOR TO THE ELECTION , AND SECTION 106.11-3 PROHIBITS A CANDIDATE FROM INCURRING CAMPAIGN EXPENSES IN EXCESS OF DEPOSITS IN THEIR CAMPAIGN ACCOUNTS . CANON 7- E PROVIDES THAT A SUCCESSFUL CANDIDATE FOR JUDICIAL OFFICE IS SUBJECT TO JUDICIAL DISCIPLINE FOR HIS OR HER CAMPAIGN CONDUCT . THESE CAMPAIGN VIOLATIONS ILLUSTRATE THE POTENTIAL PITFALLS OF OUR SYSTEM OF CONTESTED ELECTIONS FOR POSITIONS IN OUR TRIAL COURTS. WE WILL NEVER KNOW WHETHER YOUR ELECTION VIOLATIONS CONTRIBUTED TO THE SUCCESS OF YOUR CAMPAIGN TO BECOME A JUDGE , BUT THE FACT THAT YOU COMMITTED ELECTION VIOLATIONS WHILE CAMPAIGNING TO BECOME A JUDGE , IS MISCONDUCT THAT THIS COURT DOES NOT AND WILL NOT TOLERATE. AN ELECTION FOR A JUDGESHIP IS NOT JUST LIKE AN ORDINARY ELECTION IN SO MANY WAYS. AND, OF COURSE, WE ALL KNOW THE ENDS CAN NEVER JUSTIFY THE MEANS , AND THIS IS ESPECIALLY SO WHEN LAWYERS SEEK TO BE ELECTED TO THE POSITION OF JUDGE. UNFORTUNATELY, THE VERY PRACTICE OF ELECTING JUDGES HAS THE POTENTIAL TO UNDERMINE PUBLIC CONFIDENCE IN THE IMPARTIAL JUDICIARY . YET IN THIS STATE , WE PRIDE OURSELVES ON BEING ABLE TO MAINTAIN A SYSTEM OF ELECTED AND APPOINTED JUDGES, TRIAL JUDGES, WHILE STILL DEMANDING THAT THOSE WHO SEEK ELECTION FOR JUDGES CONDUCT THEMSELVES WITH DIGNITY AND RESPECT FOR THE POSITION THEY ARE SEEKING . AT THE VERY LEAST , WE MUST EXPECT AND DEMAND STRICT ADHERENCE TO THE ELECTION STATUTES AND REQUIRE JUDGES TO SAY VIOLATE THESE STATUTES TO BE ACCOUNTABLE FOR

THEIR MISCONDUCT. THE AMERICAN JUSTICE SYSTEM REQUIRES AN INDEPENDENT, IMPARTIAL AND COMPETENT JUDICIARY TO UP HOLD THE RULE OF LAW. THE INDEPENDENCE OF THE JUDICIARY AND THE PUBLIC'S TRUST AND CONFIDENCE IN THE JUDICIARY, ARE OBLIGATIONS OF ALL JUDGES, WHETHER ELECTED OR APPOINTED. AND THAT IS WHY CANON ONE, THE VERY FIRST CODE OF THE JUDICIAL CONDUCT, REQUIRES JUDGES TO UPHOLD THE HIGHEST STANDARDS OF JUDICIAL CONDUCT, SO THAT THE INTEGRITY AND INDEPENDENCE OF THE JUDICIARY MAY BE PRESERVED, AND CANON TWO REQUIRES JUDGES, BOTH TO RESPECT AND COMPLY WITH THE LAW AND TO ACT AT ALL TIMES IN A MANNER THAT PROMOTES PUBLIC CONFIDENCE IN THE INTEGRITY AND IMPARTIALITY OF THE JUDICIARY. YOU VIOLATED BOTH OF THESE CANONS. OF COURSE, WHEN A JUDGE, THROUGH HIS MISCONDUCT, VIOLATES THAT TRUST, HE OR SHE IS NOT THE ONLY ONE WHO SUFFERS THE CONSEQUENCES. THE ENTIRE JUSTICE SYSTEM IS HARMED BY THE BREACH. ALTHOUGH THE HARM CAUSED BY YOUR MISCONDUCT CAN NOT BE UNDONE, AND THE JUDICIAL QUALIFICATIONS COMMISSION HAS NOT RECOMMENDED YOUR REMOVAL, WE HOPE THAT, THROUGH THIS PUBLIC PROCEEDING, WHICH IS BROADCAST LIVE AND ON THE INTERNET, WE CAN ASURE THE PEOPLE OF THIS STATE, THAT THIS COURT TAKES THE MISCONDUCT OF JUDGES PARTICULARLY MISCONDUCT RELATED TO ELECTION VIOLATIONS, VERY SERIOUSLY. JUDGE GOODING, TO YOUR CREDIT, YOU HAVE, BOTH, ACKNOWLEDGED AND ACCEPTED RESPONSIBILITY FOR THIS MISCONDUCT, AND YOU HAVE EXPRESSED REGRET FOR YOUR ACTIONS. WE EXPECT THAT, IN THE FUTURE, THAT YOU WILL GIVE SERIOUS CONSIDERATION TO YOUR ETHICAL AND RESPONSIBILITIES AS A JUDGE AND THE NEGATIVE IMPACT YOUR ACTIONS HAVE HAD, NOT ONLY ON YOU BUT ON THE JUDICIARY AS A WHOLE. FURTHER, WE ADVISE YOU TO REMEMBER THAT THIS COURT WILL TREAT A SECOND ETHICAL BREACH FAR MORE SEVERELY. JUDGE GOODING, YOUR PUBLIC REPRIMAND IS NOW CONCLUDED, AND YOU MAY LEAVE.